

Remarks

I. Interview Summary

Applicants appreciate the time spent on the phone yesterday by Examiner Davenport and Supervisory Examiner Rao discussing this case, wherein the undersigned pointed out that a Request for Interference had been filed with this application, based upon the same reference that the Office Action cited as being anticipatory.

II. 35 USC §101

The Office Action rejects claims 21-23 as allegedly being directed to non-statutory subject matter.

Applicants respectfully disagree with this rejection, and note that MPEP §2106 cites several reasons why the rejected claims contain statutory subject matter. First, according to MPEP §2106(IV)(A), 35 USC §101 is intended to be broad, to "include anything under the sun that is made by man." Second, in accordance with MPEP §2106(IV)(B), the claims fall within enumerated statutory categories as a "machine" (claim 21), "process" (claim 22), and "machine" or "manufacture" (claim 23). Third, in accordance with MPEP §2106(IV)(C), each of the claims: "(A) 'transforms' an article or physical object to a different state or thing; or (B) otherwise produces a useful, concrete and tangible result."

For example, claim 21 recites, in part, "a processor for processing a header portion of said first packet," which clearly "produces a useful, concrete and tangible result." Similarly, claim 22 recites, in part, "transferring said first packet to a host computer," which clearly "'transforms' an article or physical object to a different state or thing." Likewise, claim 23 recites, in part, "said first packet is transferred to the host computer," which also "'transforms' an article or physical object to a different state or thing." Applicants also respectfully assert that each of these recited portions of the rejected claims also "produces a useful, concrete and tangible result."

For at least these reasons, applicants respectfully assert that claims 21-23 contain statutory subject matter.

III. 35 USC §112

The Office Action rejects claim 17 under 35 USC §112 as not providing sufficient antecedent basis for the limitation in that claim of "said generating." Applicants agree, and have amended the claim accordingly.

IV. 35 USC §102

The Office Action rejects claims 1-27 under 35 USC §102(e) as allegedly being anticipated by U.S. Patent No. 6,483,804 to Muller et al. ("Muller").

Applicants note that, as mentioned above, applicants previously submitted a "Request for Interference" with Muller. Applicants further note that the present application claims priority to Application No. 60/098,296 (the '296 app.), which was filed August 27, 1998, long before Muller. Beginning on claim 22 of the "Request for Interference," applicants submitted a claim chart showing how the claims of Muller, which essentially match the claims of the present application, are supported by the '296 app. Therefore, applicants respectfully assert that Muller is not prior art to the present application.

V. Conclusion

For the reasons mentioned above, applicants respectfully assert that the pending claims are in condition for allowance, and a Notice of Allowability is requested.

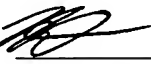
Respectfully submitted,

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with sufficient postage in the US Postal Service for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, February 27, 2008.

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